1876-003 Chancery Causes: Stephen G. Caudell + wife &c vs Alexander E. Adams &c Lee Co.

James, Vermillion, Hall, Hambler, Latham, Andre, Huffman, Parrigan, Snodgrass, Lathim, Caudle — 2 Plats

CA-Estate Dispute
T-Property

Will: 1843: William Adams: Lee County

To the Hon John A Kelly judge of the Circuit Court of Lee County.

The Bill of complaint of Stephen J Randolf and Elizabeth his wife and Catharine James respectfully sets forth, That in March 1863 William Adams of said County made his last will and testament. He died in 18 and this will was admitted to probate in the County Court of said County at the term 18

A transcript whereof is hereunto filed marked A. By reference thereto it will be seen that the testator devised & bequeathed certain lands to the "bodily heirs" of the female plaintiffs and all the remainder of his estate both real and personal he devised to his wife Elizabeth. With reference to the devise & bequest made to the testators wife there is also the following provision to wit "It is also my will that my wife shall divide the land and property herein left to her among each of my other children namely, Manerva Vernillia Margaret Adams, Susan Adams, Sabina Adams, Alexander E Adams, and Martha Adams at the time and in the manner that she may see proper giving each a share. All my other property if any not herein before mentioned I give to my said wife to dispose of as mentioned above"

Your Orator and Oratrix doth that
tract of land containing acres situate
in the said County granted to the said Elizabeth
wife of the testator by said will and she
has departed this life without having dispo-
sed of the property devised and bequeathed
to her or of the property ~~afterwards~~ acquired
by her after her husbands death and
which was owned by her at the time of
her decease. She died wholly intestate
and Hanny M Hall has administered upon
his estate and assets of the value of
some three or four hundred dollars have
come to his hands, but the exact value
is not known as he has not yet made
any settlement. Your Orator & Oratrix
further represent that Susan Adams,
without issue or husband
departed this life intestate about two years
after her fathers death, but before her mothers
Her estate has
been committed to Chas L Hamelton Shff.
The heirs at law and distributees of the
testator Adams his widow Elizabeth and
the said Susan Adams are the same
persons to wit the female plaintiffs who are
the children of the testator and his wife
and the said Minerva wife of D L Pemberton
Alexander E Adams, Selina Adams - Martha
now wife of William Latham & Margaret Adams,

all of whom are brothers and sisters and
each is entitled to an equal share with
the others in all the estate of which
the said Elizabeth and Susan died
the owners and the object of this bill
is to have partition of the real and as the same has not yet been done
distribution of the personal estate made,
Neither the said Elizabeth nor Susan
was in debt at the time of their decease
It may be insisted upon by the defendants
in this bill that the devise & bequest made
by the testator to his wife with the direc-
that she should equally divide the property
given her among the five children named
became in her hands a trust for their
benefit and that it became imperative
upon her to make the division which the
testator desired and she pairing that a court
of equity will deem to be done that which
she ought to have done, If this should
be correct then the only property to be
partitioned and distributed would be
the estate to which Susan became entitled
by virtue of said trust, and said other
property as the said Elizabeth owned
at the time of her death not devised to her
in trust, But your orator and oratrix
insist that the devise & bequest made
to said Elizabeth was absolute and that

the property be decreed to her descends to her heirs pursuant to the Statute of Virginia - This decree is of least correct as to the personal estate bequeathed to her - The prayer of the bill is that Douglas L Vanmillion and Minerva his wife Alexander L Vanmillion Selina Adams William Latham and Margaret his wife and Harvey M Hall & Lepa L H amann administrators as aforesaid Margaret Adams the heir at law defendants to this bill and answer the same on oath - that the personal representatives of the said Elizabeth & Susan settle their accounts before a Commissioner and that this Court by its decree ascertain and adjudicate the respective rights of the parties in and to the estate of which the said Elizabeth & Susan died intestate and that each be adjudged that to which he or she is entitled under the laws of this State and that a decree be rendered therefor and grant general relief May seem meet &c

Hagan & Pidcock

H.D.

Stephen J Vandell

1st Bill &c

J. E. Adams Sols

Exhibit endorsed

1875 April Bill Filed & Decree Nisi vs Celina Adams Francis Adams Mrs Lathim & Martha his wife, H. M. Hall Admr of Elizabeth Adams & C. C. Hamilton Admr of Susan Adams &c.

" May Decree Nisi & Same Confd.

" June, July, Aug. Sept & Oct Ents.

" Nov Set for hearing by Stiff as to those served with proc

" Dec. 30 Answers of defts filed & cause

1876 Mar Decree for partition

" Aug Decree & Costs.

" Nov Decree Final.

Title on Estate Deeds

Costs ordered to be paid by all.

Col.	J.	$15.99
	A.	15.00
	S.	5.10
Comr	Davis	10.00
"	Hamilton	4.00
"	Ewing	3.00
Examiner	Castle	1.00
" "	Lathim	1.50
		$55.59
	&	.36

Defts costs to be paid by Vermillion & Adams.

Comr Orr $6.25

2

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia,

The joint and seperate demurrer and answer of Wm. Latham and Margaret his wife D. I. Vermillion and Minerva his wife Selina Adams Martha Adams and Alexander E. Adams to the bill of complaint exhibited in this honorable court against these respondants and others by Stephen D Caudill and others

The defendants say that plaintiffs bill is not good and sufficient in law wherefore &c But if any other or further answer is required respondants relying upon their demurrer, for answer to the said bill say that it is true that respondants are the children and heirs of Elizabeth Adams Dec'd except respondants Latham and Vermillion who married two of said heirs as set out in the said bill, and that it is true that their said father Williams Adams departed this life on the 15th day of March 1868 having first made his last will and testament as set forth in plaintiffs bill, and filed therewith marked "A". Respondants further answering said that it is also true that Susan Adams is dead having departed this life on the 18th day of March 1864 intestate

unmarried and childless and that their said mother Elizabeth Adams has since their said Sister Susans death departed this life intestate on the 26th day of September 1872, never having in her lifetime carried out the provisions of her said husbands will requiring the distribution of the real and personal estate devised to her in Trust) to and amongst your respondents and their Dec'd Sister Susan. Respondents further answering state that they cannot state as to the land set out in plaintiffs bill as having belonged to Elizabeth Adams at the date of her death as they give no description whatever but they state that the said Elizabeth held the legal title (in Trust for respondents & the heirs of the said Susan) to two tracts of land containing about 500 hundred acres situated in Lee County Virginia a more particular description of which is filed herewith marked "B"

Respondents further answer and say that their mother acquired but very little personal property after the death of her said husband and that the larger portion of the personal property on hand at the time of her death was either property derived under the

will of her husband or the proceeds of personal property so derived and which she took under the said will in Trust for your respondents & the said Susan Respondents further state that it is true that administration of the personal Estate of said Elizabeth Adams was granted to Harvey M Hall and that the Estate of the said Susan was committed to Charles L Hamblin Sheriff of Lee county for administration but respondents say that it is not true that the said Elizabeth & Susan were not indebted at the time of their deaths, respondents state that for about (10) ten years your respondent Selina was the agent and manager for her mother & as such devoted her whole time & labor to the business of the said Elizabeth under a contract and expectation of remuneration which at (50¢) Fifty Dollars per year would be Five hundred Dollars Respondents further answer and say that for many years before her death the said Susan was helpless and unable to do anything and that respondents Selina Adams and Martha adams now Latham cared for and supported her for which they are reasonably entitled to the sum

of Two hundred and fifty Dollars both of which said sums of money are respectively valied & subsisting debts against the personal estate of the said Elizabeth and Susan. Your respondents further answering state that the plaintiffs entered upon and have been in the possession of the lands devised to the heirs of the bodies of the female plaintiffs, ever since the death of their father William Adams. and that the said land so devised as aforesaid is fully Equal in value to the respective portions that your respondents will derive from the said Estate when the lands devised to the said Elizabeth in trust are partitioned amongst respondents as the said will directed. Respondents are advised that a court of equity will now by proper orders & decree proceed to carry out & execute the appointment and trust imposed upon the said Elizabeth by her husbands will & treating that as done which should have been done will partition the lands in the bill attempted to be described & described in this answer amongst your respondents and the legal heirs of the said Susan Dec'd

which would entitle the plaintiffs to their portion of Elizabeths share or there being seven living children would entitle them to 1/7th of 1/6 or 1/42nd part of the said real property and in the same proportion as to the personalty And your respondents therefore deny the right of the plaintiffs to any distribution or partition other than as aforesaid And having fully answered the allegations of plaintiffs bill or so much thereof as they are advised to answer and having generaly denying each allegation thereof not herein-before confessed and avoided or denied pray to be hence dismissed with their reasonable costs and as in duty bound will ever pray &c

Agns M Orr
For Defendants

Virginia Lee County to wit:
This day Wm Lathing and Salina Adams made oath before me that the facts set forth in the foregoing answer are true so far as they each within their knowledge and so far as they depend upon information derived from others they believe them to be true

Given under my hand this the 29 day of Nov 1873

James W Orr [illegible]

So much of this Answer as sets up a defence to the bill for Services performed by the respondents Delina Adams And Mrs Latham for their deceased Sister & Mother is excepted to, & they have any just debts against their respective Estates they must be established by independent Suits or Cross Bills against the personal representatives. Jany 24/76

Hagan & Pidcock
for Pltff.

Wm Latham et als
ads
Mary Adams et als

Filed. Dec. 30th 1875.
James M Orr. Clerk.

Stephen J Landrie et ols Plffs
against In Eq
A. E. Adams et ols Defts

This Cause Come on again this day to be heard on the papers formerly read one report of Comr Jos H. Ott filed Sept 20th 1870 and was argued by Counsel and said report being unexcepted to is confirmed On Consideration whereof it is adjudged ordered and decreed that the defendants Dauglas & Vermillion and A E Adams pay to the plaintiffs Stephen J Landrie one Elizabeth his wife the sum of $18.10 and that they pay to the plaintiffs Catharine James the like sum of $18.10 and that they also pay to the plaintiffs the costs incurred in the taking of the account by Comr Ott of the costs and profits of the said Land, And the Court being of opinion that both plaintiffs and defendants should contribute to the costs incurred in making partition of the Lands in the bill mentioned each paying in proportion to his interest, it is therefore further adjudged and decreed that

the defendants Wm Latham and Martha his wife pay to the plaintiffs 8/42 part of these costs. That Douglas L Vermillion and Minerva his wife pay the 8/42 part of the same costs. That Selina Adams Morgan Adams and Alexander C Adams each pay to the plaintiffs 8/42 parts of the same costs, and in which costs the Clerk shall include the attorneys fee, and the cause is stricken from the docket

S. J. Lewis & Bro
vs
Dr. Adams Exr
&
R. C. Adams Exr

Entered Order Book
page 5-4-4.
James W Orr Clk.

Ex Order
Jr. A.K.
Dec. 7/56

Stephen J Candler et al
vs
A E Adams et. als

In Chancery

This cause came on to be heard this the 6 day of September 1876 upon the papers heretofore read and upon the report of Eli Davis, Champ. T. Hamblen and Alex. Ewing commissioners heretofore appointed to lay off and partition the land sought to be partitioned by the bill in this cause, and was argued by counsel and it appearing that said report has been filed a sufficient length of time and no exceptions being filed thereto the same is in all things confirmed, on consideration whereof it is adjudged ordered and decreed that Margaret Adams is entitled to take and hold that portion of the land laid off to her by the said Commissioners and designated as "lot No 1" in their plat & report free from the claim of all the other heirs of Wm Adams Decd. and that Martha Latham is entitled to take and hold that portion of said land designated upon the plat & report of said Comrs. as lots No 2 & No 7 free from the claim of all the other heirs of the said Wm Adams Decd. And that Selina Adams is entitled to take and hold that

portion of said land designated upon the plat and report of said Comrs. as lot No 3, free from the claim of all the other heirs of Wm Adams Decd: And that Minerva Vermillion is entitled to take and hold that portion of said land designated upon the plat and report of said Comrs. as lot No 4, free from the claim of all the other heirs of Wm Adams Decd: And that Alexander E Adams is entitled to take and hold that portion of said land designated upon the plat and ~~said~~ report of said Comrs, as lot No 5, free from the claim of all the other heirs of Wm Adams Decd: And that Elizabeth Landill is entitled to take and hold that portion of said land designated upon the plat and report of said Comrs, as lot No. 6 free from the claim of all the other heirs of Wm Adams Decd, And that Catherine James is entitled to take and hold that portion of said land designated upon the plat and report of said Comrs. as lot No 7 free from the claims of all the other heirs of Wm Adams Decd, and it is further adjudged ordered and decreed that a copy of this

decree and the commissioners report with plats accompanying the same be furnished the clerk of the county court of this county and be by him recorded in the deed book and indexed in the names of all the parties respectively entitled under this decree and the said recordation shall be as effectual to pass the title to said lands as if the parties had executed deeds between themselves, Other matters are reserved and the cause is continued.

Stephen J. Caudill et als
vs
Decree
A E Adams et als

Entered O. B. Page 547
R. W. Orr Jr. D.C

Entered this Decree
Jr. A.K.
Sept 6th 1876

Stephen J Caudell et als
vs
A. E. Adams et als } In Chy

This cause came on this day to be heard upon the bill of the plffs. the demurrer and answer of the defendants and the exceptions thereto and was argued by counsel on consideration whereof and for reasons appearing to the Court the demurrer to said bill is sustained and so far as the bill seeks distribution of the personal estate it is by consent of parties dismissed and it is also dismissed as to the personal representatives Harvey M Hall and Charles L Hamblin. both without prejudice to either party to hereafter institute such or suits for the settlement of the same and by further consent of parties the cause was submitted to the Court upon the bill and answers as to the subject of partition of the real Estate and the Court being of opinion that the lands devised to Elizabeth Adams by her husband William Adams was subject to appointment between his several children other than the female plaintiffs Elizabeth Caudell and Catharine

James and such appointment not having been made by said Elizabeth in her lifetime, descended in Equal proportions to the defendants children of said William Adams and the decedents Susan Adams, and that the female plaintiffs Elizabeth Landell and Catharine James are only Entitled to ~~share in the partition of~~ partition in the share of Susan Adams Dec'd or one Seventh of one sixth of the whole of the lands devised as aforesaid being Equal to one forty second part Each, It is adjudged ordered and decreed that Eli. Davis. Champ T. Hamblin and Alexander Ewing be and they are hereby appointed Special Commissioners whose duty it shall be to go upon the lands in the bill mentioned and lay off and assign to Elizabeth Landell and Catharine James each one forty second part of said land and to Martha Latham, Minerva Vermillion Selina Adams Margaret Adams and Alexander E Adams Each Eight forty second parts of the said lands having due regard to quantity and quality,

they will make a plat and report showing specifically the metes bounds quantity and location of Each and return the same to the next term of this Court ~~to which time the cause is continued~~ and Commissioner James M Orr is directed to ascertain and report the value of the rents & profits of the said land since the death of Elizabeth Adams ~~and~~ what proportion of the same the plaintiffs are entitled to, and which of the defendants have been in possession of the said land and any other matter he may deem pertinent, and the cause is continued

Stephen Candlebee

vs Decree

A E Adams et al

Entered Order Book
page 516.
James W Orr Clerk

Enter this
Jr. A.C.
April 6th 1876

Virginia.

At a circuit court continued and held for Lee County at the Court house thereof, on Thursday the 6th day of April 1876.

Stephen J. Landill et als — Plaintiffs
against
A. E. Adams et als — Defendants
} In Chancery

This cause came on this day to be heard upon the bill of the plaintiffs, the demurrer and answer of the defendants and the execution thereof, and was argued by Counsel, on consideration whereof and for reasons appearing to the Court, the demurrer to said bill is sustained, and so far as the bill seeks distribution of the personal estate it is, by consent of parties, dismissed, and it is also dismissed as to the personal representatives Harvey M. Hall and Charles L. Hamblin, but without prejudice to either party to hereafter institute suit or suits for the settlement of the same, and by further consent of parties the cause was submitted to the Court upon the bill and answer, as to the subject of partition of the real estate, and the Court being of opinion that the lands divised to Elizabeth Adams by her husband William Adams was subject to appointment between his several children other than the female plaintiffs Elizabeth Landill and Catharine James, and such appointment not having been made by said Elizabeth in her lifetime, descended in equal proportions to the defendants, children of said Wm Adams, and the decedent Susan Adams, and that the female plaintiffs

Elizabeth Candill and Catharine James are only entitled to partition in the Share of Susan Adams dec'd or one seventh of one sixth of the whole of the lands devised as aforesaid, being equal to one forth second part each. It is adjudged, ordered and decreed that Eli Davis, Champ T. Hamblen and Alexander Ewing be and they are hereby appointed Special Commissioners, whose duty it shall be to go upon the lands in the bill mentioned, and lay off and assign to Elizabeth Candill and Catharine James each one forty second part of said land, and to Martha Latham, Minerva Vermillion, Selina Adams, Margaret Adams, and Alexander E. Adams each eight forty second parts of the said lands, having due regard to quantity and quality, they will make a plat and report showing specifically the metes, bonds, quantity and location of each and return the same to the next term of this Court; and commissioner James W. Orr is directed to ascertain and report the value of the rents and profits of the said land since the death of Elizabeth Adams, what proportion of the same the plaintiffs are entitled to, and which of the defendants have been in possession of the said land, and any other matter he may deem pertinent, and the cause is continued until the next term.

A copy

Test- James W. Orr Clerk

Stephen J. Candler et als

vs. } Copy of Decree (4 Copies)

A. E. Adams et als

Execute

Thos. Toby, S.C.C.

Virginia. In the clerk's office of the circuit court of Lee County, the 18th day of July 1876.

Stephen J Caudill et als — Plaintiffs
against
A. E. Adams et als — Defendants
} In Chancery

The deposition of Wm Andre taken before me, the undersigned Comr in Chancery, to be read as evidence in said cause.

The said Andre being a witness of lawful age deposes and says. — I am well acquainted with the lands in Lee County, owned by Wm Adams at the time of his death, and know the fact that soon after the death of Elizabeth Adams, his widow, which I think occured sometime in the fall of the year 1872, five of said Wm Adam's heirs, to wit. Douglas I. Vermillion & Minerva his wife (late Adams) Margaret Adams, Selina Adams, Alx E Adams & Wm R Lathim & Martha his wife (late Adams) took possession of, and made partition among themselves, of the land owned by said Wm Adams at his death, and bequeathed by him to his said wife & to be by her divided among the said heirs, & Susan Adams, who had died before the death of her mother Elizabeth Adams, and the said five heirs have owned, and have received the proceeds, or rents and profits of said land ever since and I consider the sum of $175.00 as the reasonable rental value of said land per year, said land includes what is known as the home place and the

river farm.

And further this deponent saith not.

William Andrew

George M. Huffman another witness of lawful age being first duly sworn deposes and says.

I am acquainted with the lands owned by Wm Adams in his lifetime and have lived on one or the other of said tracts for the last six years. Mrs. Elizabeth Adams died in September 1872. After her death. Salina Adams. Margaret Adams. Alex E Adams Wm R. Latham and Martha his wife, late Martha Adams D. S. Vermillion and Mannon late Mannon Adams his wife of said William Adams deceased entered upon said lands and portioned them among themselves, and have been in possession of said lands ever since. Said lands consist of two farms. the home place of said Wm Adams. and the river tract and I ~~consider~~ That the rents of the use of the or home place is worth $150.00 per year and the rents of lower place by the divide made by the heirs the said lower place fell to D. S. Vermillion & A. E. Adams they have been used and enjoyed by them and they have received the I think or believe worth $75 per year. Before the death of Elizabeth Adams

this deponent saith not.

George M. Huffman

David Porrigan another witness of lawful age being first duly sworn deposes and says.

I am acquainted with the lands formerly owned by Wm Adams and by him bequeathed to Elizabeth Adams his wife for her life. Mrs Elizabeth Adams died in Sept 1872. after her death the said lands which consisted of two tracts the "Home place" of

said Wm Adams and the river place was partitioned by A. E Adams. Salina Adams Morgan Adams D. S. Vermillion & Minerva his wife (late Adams) W. R. Latham and Martha his wife (late Adams) children and heirs at law of Wm Adams deceased among themselves and they have been in possession of and received the rents and profits of ~~the~~ all of it ever since. and I consider the rents and profits of the upper or home place to be worth $100.00 per year. and I think that $65.00 per year is all that river place is reasonably worth. I live on the last named place and have cultivated all of it ever since the said partition ~~death of~~ I have paid the rents to Douglas I Vermillion & A. E. Adams or am to pay to them ~~Mrs Elizabeth Adams~~, and further this deponent saith not.

his
David ✗ Parrigan
mark

William Snodgrass another witness of lawful age being first duly sworn deposes and says. am well acquainted with the lands of W Adams deceased I have just heard the deposition of George M Huffman given in this cause read and I agree with him fully, and I hereby adopt his deposition as my own. And further this deponent saith not.

William Snodgrass

1876. August 21st, at same place.

Wm R Latham another witness of lawful age being first duly sworn, deposes and says

I am one of the heirs by marriage of the Est of Wm Adams Decd, having married Martha Adams his daughter, and know the fact that his heirs soon after the death of his widow Elizabeth Adams, made partition of his lands among themselves, and that D. I. Vermillion & A. E. Adams entered upon, and took possession of, what is known as the River farm and have received the rents and profits thereof ever since.

And further this deponent saith not.

W. R. Lathim

Virginia, Lee county, to wit.

The foregoing depositions of Wm Andre, George M Huffman, David Parrigan, Wm Broadgrass & W. R. Lathim were taken subscribed and sworn to before me, at the place, and times, and for the purposes, in the caption mentioned.

Given under my hand this Aug 21st 1876.

James W Orr. Comr in Chancery.

Stephen J Caudill et als

vs } Depositions

H. E. Adams et als.

"A"

Statement of the value of the rents & profits of the lands of Wm Adams dec'd, since the death of his widow, in September 1872.

Rental value of said land for the year 1873.		$175.00
Interest thereon from Jany 1st 1874 to Dec 1st 1876.		31.62
Rental value of said land for the year 1874.		175.00
Interest thereon from Jany 1st 1875 to Dec 1st 1876.		21.12
Rental value of said land for the year 1875.		175.00
Interest thereon from Jany 1st 1876 to Dec 1st 1876.		7.62
Rental value of said land for the year 1876.		175.00
		$760.36

Stephen J Landill et als
vs
Statement of rental value
P. E. Adams et als.

B

Pursuant to an order of the Circuit Court dated on the 6th. day of April in the year 1876, in the Case of
Stephen J. Caudell et. als. Plaintiffs,)
vs.) In Chancery.
A. E. Adams et als. Defendants,)

We Eli Davis, Champ T. Hamblen, and Alex. Ewing who were appointed Commissioners proceeded on the 14th. day of July and previous days to examine and partition the lands of William Adams Dec'd. according to said Order of Court in the manner following.

1st. We assigned to Margaret Adams 8 forty Second parts of all the lands including the western portion of the tract upon which the said Adams lived at the time of his death marked No. 1, on the diagram herewith filed, and represented by the Fig. l. m. n. o. p. q. l, estimated to Contain 61½ acres, & bounded as follows: Beginning at a Stake a corner of the 2nd. lot, and running thence S. 65 W. 63 poles to a Stake on the Breeding line and with it S. 29 E. 133 poles to a rock on the S. Side of the Rob Camp road, thence N. 65 E. 19 poles with said road to a Stake, thence S. 33 E. 39 poles to a post Oak; thence N. 66 E. 40 poles to a Chincapin Oak, a corner of the 2nd. lot and with a line thereof N. 30½ W. 172 poles to the beginning. also one other Small lot of.

timbered land on the South Side of the said road, marked No. 1. and represented by the Fig. a.c.d.f.b.a. estimated to contain 10 acres. and bounded as follows viz:

Beginning at a white oak and buckeye on the S. Side of said road. a corner of the 2nd lot. and running thence S. 60 E. 51 poles to a white Oak a corner of the Long land and with a line of the Same N. 60 E. 30 poles to a Stake, thence N. 44 W. 47 poles to a Stake in the said road and with the Same S. westwardly 40 poles to a Small buckeye on the S. Side of said road, thence S. 75 W. 5 poles to the beginning.

2nd. We assigned to Martha Lathim eight forty-Second parts of all the lands embracing two lots. One marked No. 2. and represented by the Fig. b.f.l g.r.s. a. b. estimated to contain 75½ acres. and bounded as follows viz:

Beginning at a Small buckeye on the South Side of the said road a corner of the last described lot and running thence S. 75° W. 5 poles to a buckeye and white oak on the South Side of said road, thence S. 68 W. 17 poles to a Stake, thence S. 35 E. 30 poles to a double post oak, thence S. 66 W. 76 poles to a chincapin Oak a corner of the 1st. lot, and

with a line thereof N. 30½ W. 172 poles to a Stake on the old Martin line and with it N. 65° E. 64 poles to a Stake in a hollow, a corner of the 3rd. lot and with a line of the 3rd. lot down the hollow as it meanders 154 poles to the beginning.

The other also marked No. 2 and represented by the Fig. e.g.f.d.e. estimated to contain 10 acres. and bounded as follows viz:

Beginning at a post Oak and two Small cedars a corner of the Hamblen land and running thence with said line N. 39° W. 58 poles to a Stake in the said road and with the road South westwardly 34 poles to a Stake corner to the 1st. 10 acre lot and with a line thereof S. 44° E. 47 poles to ~~the beginning~~, a Stake on a line of the Long land and with the Same N. 60 E. 30 poles to the beginning.

3rd. We assigned to Salina Adams eight forty Seconds of the whole lands embracing the lot She now resides on. marked No. 3. and represented by the Fig. h.i.j.k.b.f.g.h. estimated to contain 100 acres. and bounded as follows. viz:
Beginning at three hickories a corner of the Hamblen land and Theodore Thompson's land and running thence with a line of the latter S.18 W. 87 poles to a Stake Thompson's corner; thence S.35 E. 28 poles to two white Oaks; thence S.65 W. 9 poles to a Stake in a long hollow a corner of the 2nd. lot, and with a line thereof down the hollow as it meanders S. Eastwardly 154 poles to a Small buckeye on the South Side of the Rob Camp Road, and with the road N. Eastwardly as it meanders 74 poles to a Stake on the Hamblen line and with said line N.39 W. 222 poles to the beginning.

4th. We assigned to Minerva Vermillion eight forty Seconds of all the lands. This lot embraces the western lot of the river tract, marked No. 4, and represented by the Fig.7.17.18.19. .1.2.3.4.5.6.7. estimated to contain 200 acres and bounded as follows viz:
Beginning at a Stake on the north bank of Powells' river 7½ poles S.W. of the ~~of the~~ first line of the 7th. lot. and running thence N.31 W. 170 poles to a Stake 7½ poles S.W. of a white Oak and 2 Cedars marked. corners; thence with other lines of the 7th. lot S.54 W. 64 poles to a Stake; Thence N.36 W. 40 poles to a post oak and 2 cedars on the N.W. Side of a deep Sink hole a corner of the Robinson land and with a line thereof N.36 W. 85 poles to a walnut and chincapin Oak. an a line of the old Solomon White land and with lines thereof S.54 W. 17 poles to a Stake; thence S.28 W. 80 poles to a Stake; thence S.65 W. 20. poles to a Stake; thence N.70 W. 24 poles to a Stake the N.W. corner of H. Castle's land and with a line thereof Southwardly 80 poles to Powells' river; thence up the river as it meanders 320 poles to the beginning.

5th.

We assigned to Alexander E. Adams eight forty Seconds of all the Lands embracing the eastern lot of the river tract, marked No. 5, and represented by the Fig. 11.12.13.14.15.9.10.11. estimated to contain 144 acres. and bounded as follows viz: Beginning at an ash Stump on the north Side of the river. Mc. Dowells' corner. and a corner of the old Soloman White Survey and running thence with lines thereof S. 65 W. 70 poles to a Spanish Oak and Chincapin Oak on the S. Side of a Sink hole, thence S. 54 W. 48 poles to three cedars on the said S. White line a corner of the Robinson land and with a line thereof leaving the said Soloman White Survey S. 36 E. 85 poles to a hickory and black walnut Robinson's corner, thence S. 54 W. 21 poles to a Stake a corner of the 6th. lot and with a line thereof S. 31 E. 220 poles passing 4 poles north east of the first line of the 6th. lot, to a Stake on the north Side of the river, thence up the river as it meanders to a Stake on the north bank corner to the Tyler land, crossing the river twice. and with a line thereof N. 25 W. 180 poles, to the Beginning.

6th,

We assigned to Elizabeth Caudell the lot marked No. 6. represented by the Fig. 8.16.17.15.9.8 estimated to contain 17 acres and bounded as follows viz:

Beginning at a beech on the north Side of the river a corner of the 7th. lot and running thence with a line thereof N. 31 W. 170 poles to a white Oak and 2 cedars, thence S. 85 W. 84 poles to a post Oak and two cedars on the N. W. Side of a deep Sink hole, a corner of the Robinson land and with a line thereof N. 54 E. 81 poles to a Stake thence leaving the Robinson line and running with a line of the 5th. lot S. 31 E. 220 poles passing 4 poles N. E. of the first line of this 6th. lot to a Stake on the north bank of the river, thence down the river about 10 poles to the beginning.

This lot we consider equal in value to one forty Second part of all the lands.

7th. We assigned to Catherine James one
forty Second part marked No. 7 and
represented by the Fig. 8.16.19.18.17.7.8
estimated to contain 17 acres. and bounded as
follows viz:

Beginning at a beech on the north bank
of the river a corner between the 6th.
and 7th lots and running thence with a lines
between them N. 31 W. 170 poles to a white
Oak and 2 cedars; thence S. 85 W. 84 poles
to a post Oak and two cedars, Robinsons corner
thence with lines of the 4th. lot S. 36 E. 40
poles to a Stake; thence N. 54 E. 64 poles
to a Stake 7½ poles S. W. of a marked
white Oak and 2 cedars; thence S. 31 E. 170
poles passing 7½ poles from the first line
of this lot to a Stake on the north bank
of the river; thence up the river
S. eastwardly about 10 poles to the beginning.

From the foregoing it will be Seen that the
lands were in two Separate tracts and
that we have made three Shares in
the old home ~~tract~~ and two in the
river ~~tract~~ besides the two Small lots of
one forty Second each.
We have endeavored to give all parties their
respective rights according to the Order,
and made a fair plat of each tract and
lot all of which is most respectfully Submitted,

Eli Davis
Champ T Hamblin
Alexander Ewing
} Special Commissioners

Fees.

Eli Davis for services 5 days.	$ 10.00
C. T. Hamblen 4 days.	4.00
Alex. Ewing 3 days	3.00
Amt.	$ 17.00

Dece commissioners.

Hezekiah Castle carrying chain 1 day	1.00
William Lathim carrying chain 1½ days	1.50
Total.	$ 19.50

Test,
E. Davis.

Stephen J Caudill et als

vs

Comrs Report

A. E. Adams et als.

Filed Aug 7th 1876.

James W Orr. Clerk.

Confirmed at Aug Term 76.

Recorded in Deed Book 17. Page 563-565

R. W. Orr Jr. D.C.

Stephen J Caudill et als Pltffs
against
A. E. Adams et als Defts } In Chancery.

To the Honorable John A Kelly, Judge of the Circuit Court of Lee County Virginia. — The undersigned Commissioner in Chancery, who was, by a decree rendered by your Honor, in the above styled cause, at the April term 1876, directed to ascertain and report the value of the rents & profits of the land owned by Wm Adams dec'd, since the death of Elizabeth Adams, his widow; who is entitled to receive the same, and who have been in the possession, and received the rents & profits of said land, Respectfully reports, that having posted notice of the time and place of my sittings, I proceeded on the 15th day of July 1876, and 21st day of August 1876, at the Clerk's office of said Court, to hear and take evidence touching the matter aforesaid, which evidence is herewith filed marked "A" as part hereof, and from said evidence, and the report of the Commissioners who partitioned said land among the heirs of the said Wm Adams dec'd, filed in said cause, it appears, and your Commissioner accordingly reports, that soon after the death of Elizabeth Adams, five of the heirs of Wm Adams dec'd, to wit. — Douglas I Vermillion & Minerva his wife (formerly Adams) Wm R Lathim & Martha his wife (formerly Adams) Margaret Adams, Selina Adams, & Alexander E Adams entered upon, and partitioned said land among themselves, the said Vermillion & wife

and A. E. Adams taking possession and control of the lower or River tract, and the other three being the upper or home place, and each has received the rents and profits of his or her share, respectively, ever since, except as to the said Vermillion & A. E. Adams, they having received the rents and profits of the River farm, jointly. I have prepared a Statement of the Value hereunto marked "B" of the rents and profits of said land, for the years 1873, 1874, 1875 & 1876 they being the years since the death of the said Elizabeth Adams, fixing the yearly rental value at $175.00, and have calculated interest on the said sum from the end of each year up to Dec 1st 1876, making an aggregate sum of $760.36 on the 1st Dec 1876, as the value of the rents and profits of said land since the death of said Elizabeth Adams, and including the year 1876. The said Commissioners in the partition of said land, as appears from their report, which was confirmed by your Honor at the last term, allotted to the said Vermillion & wife and A. E. Adams the said River farm, except they allot to Catherine James & Elizabeth Landill, the female plaintiffs, each one forty second part of said land, out of the said River farm, which farm, or tract, has been in the possession of said Vermillion & A. E. Adams ever since the death of said Elizabeth Adams, and your Honor having by said decree in the cause at the April term 1876, ascertained that the female plaintiffs, were each entitled to one forty second part of the land

owned by the said Wm Adams at the time of his death, and the Commrs having thus allotted to them, Your Comr therefore ascertains and reports that the Plaintiffs Eliz Candill & Catharine James are each entitled to one forty second part of the entire rents and profits of said land, since the death of said Eliz Adams, to wit - to the sum of $13.12, which should be paid to each of them by the said Douglas J Vermillion and A. E. Adams, they having possessed and enjoyed the River farm, and of which the shares of the said Eliz Candill & Catharine James were assigned by the Comrs.

Respectfully submitted.

James W Orr. Comr

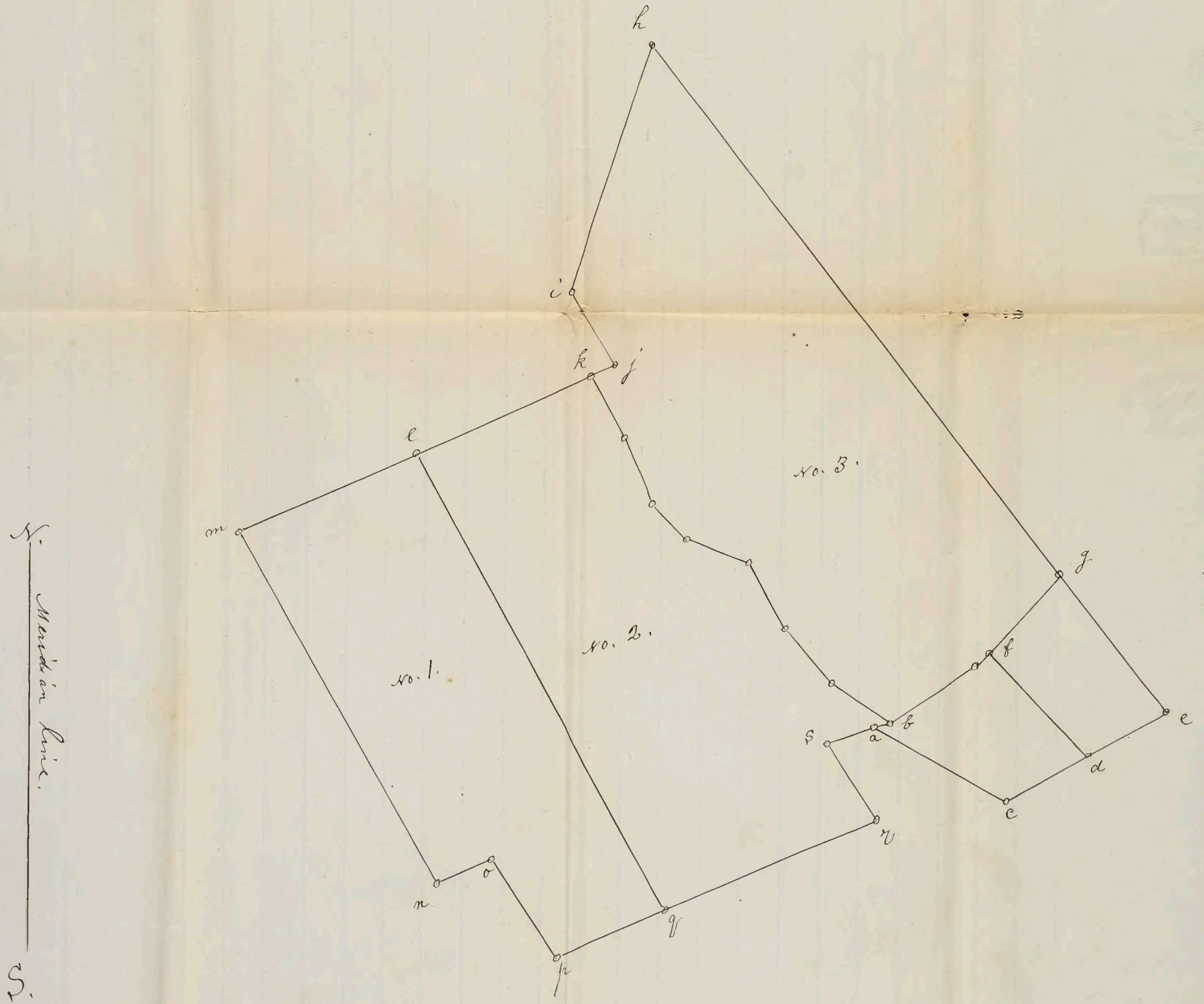
Stephen J Caudill et al
vs
A. E. Adams et als.

Comm'r Ors Report

Filed Sept 20th 1876.

James W Orr Clerk.

Comm's fee $6.25-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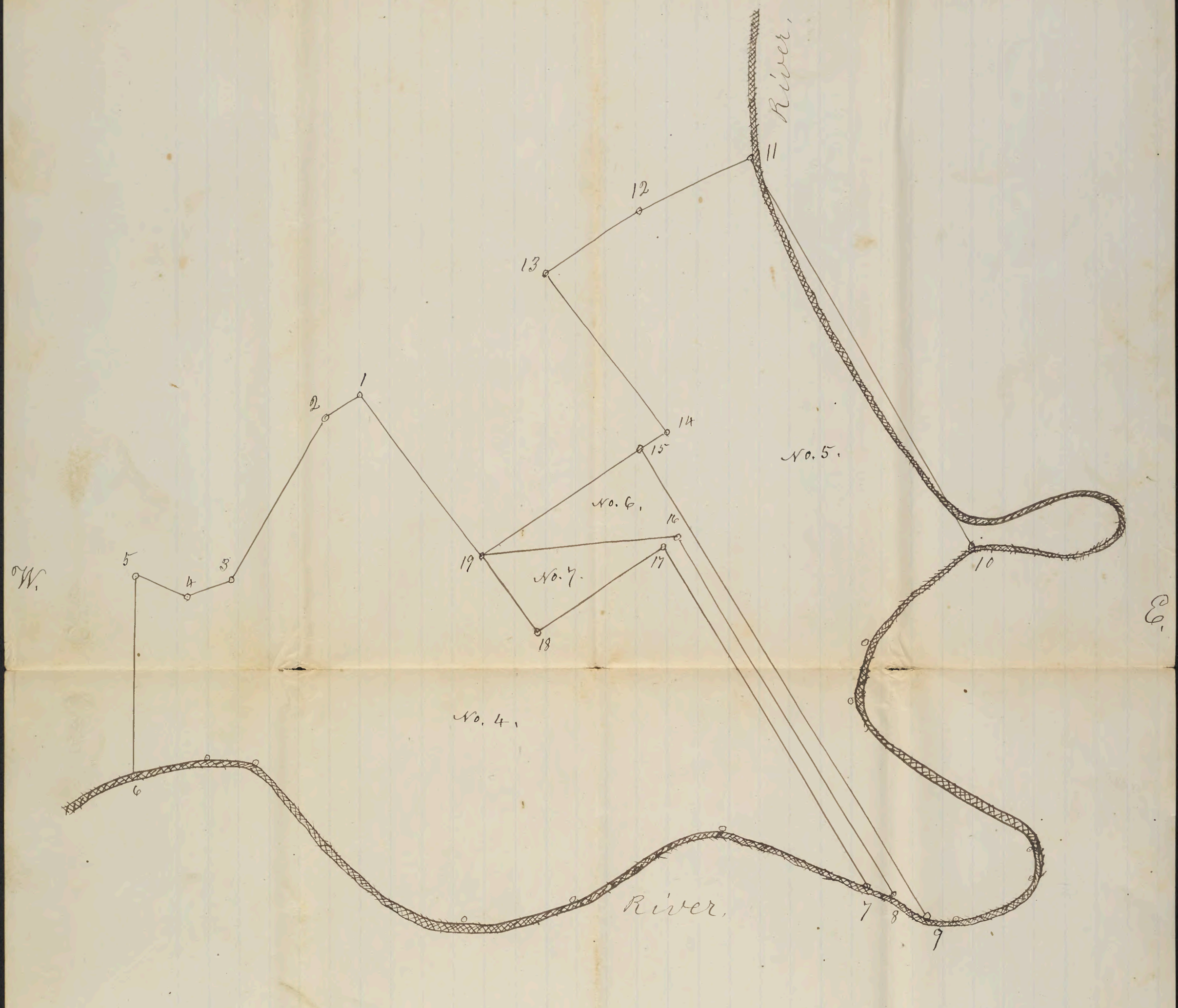
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W.
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S.

I. William Adams of the County of Lee and State of Virginia. Considering the uncertainty of this mortal life. and being of Sound mind and memory do make and publish this my last will and Testament in manner and form following. To Wit. First I give and bequeath to my beloved wife Elizabeth Adams after all my just debts are paid, all my lands, mansion house, house hold and Kitchen furniture, live Stock &c. except a tract of land embraced in two patents containing one hundred and thirty acres adjoining my land on the west and Charles Wilson on the North which I bequeath unto the bodily heirs of my two daughters. (Viz) Catharine James and Elizabeth Caudle, To the bodily Heirs of Catharine James I give the west end of the said tract commencing at a small post Oak on said Wilson's line, near a road and running thence Northwardly Square across the said Survey to the back line and with the same Westwardly to the Corner, thence with the various courses of the survey to the beginning, And to the bodily heirs of Elizabeth Caudle I give all the balance of the said 130 acre tract which is intended to be the entire legacy of the heirs of the two daughters above named, It is also my will that my said wife Shall divide the land and property herein left to her among each of my other children namely Manerva Virginia Elliott, Margaret Adams, Susan Adams, Salina Adams, Alexander C. Adams and Martha Adams at the time and in the manner that She may see proper, giving each a share, All my other property if any not herein before mentioned I give to my said wife to dispose of as mentioned above, In testimony of the above I hereunto set my hand and affix my Seal, This 12th day of March in the one thousand Eight hundred and Sixty three in the presence of

Robert Sims
C. B. Spencer
James Cathine
Eli Davis
} Witnesses

William Adams (Seal)

Acopy Teste John R. Gibson D. C.

D. I Jan x Mar
Sl & E Adams. Margaret Adams Selma
Adams.
Martha wife of Wm Latham

William Adams
Last Will

Recorded in Will Book
No. 3, Page 85.
Peter R. Gibson D.C.

Caudill et als
vs
Vermillion et als
} In Chy.

Costs to be paid by all the heirs $55.59

8/42 thereof to be paid by sick of five $10.58

1/42 " " " " " " " two 1.32

To be paid by Vermillion & Adams

Costs of acct $6.25

Their part of other costs each 10.58

10.58

Vermillion has pd on. $30.00 $27.41

Memorandum

30,000

16.35 –
6.25 – 30,000
22.60 22.60
$7.40

The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY—GREETING:

We command you to summon Alexander E. Adams (1), Douglas S. Wormeillion (2) & Minerva his wife, Belinda Adams (3), Margaret Adams (4), William Latham (5) and Martha his wife, Harvey M. Hall admr of the estate of Elizabeth Adams & Charles L. Hamblen Shff. admr of Susan Adams Estate,

to appear at the clerk's office of the Circuit county court of Lee, at the court house, on the first Monday in April next, being rule day, to answer a bill in Chancery, exhibited in our said Court against them by Stephen G. Caudell and Elizabeth his wife, and Catharine James.

And have then there this writ. Witness JAS. W. ORR, clerk of our said court at the court house, the 2nd day of March 187[illegible], in the 99th year of the Commonwealth.

James W. Orr Clerk

42 7603611810

Stephen J. Caudell &c
vs
Alex C. Adams et als
April Rules 1875.

Executed by delivering a copy of the within to Celina Adams Margaret Adams Wm Lathrum and Martha his wife & M. Hall admr. of the Estate of Elizabeth Adams and C L Hamblin Sheriff and Admr. of Susan Adams

Thos. S. Ealy D.S. for
C L Hamblin S.L.C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY --- GREETING:

WE COMMAND YOU TO SUMMON *D. M. Hall, John W Delusk & Wm Andrew*

to appear ~~before the Judge of our~~ *at the Clerks office of the* Circuit Court for Lee county, at the Court-House, on the *15th* day of *July 1876.*

~~Term next~~, to testify and the truth to speak in behalf of *Stephen J Landill et als*

in certain matters of controversy pending in our said court between *said Landill et als*

PLAINTIFF, and *A. E. Adams et als*

DEFENDANT. And this *they* shall in no wise omit under the penalty of TWENTY DOLLARS. And have then there this writ. Witness, JAMES W. ORR, Clerk of our said court, at the Court-House, this *17th* day of *June* 187*6* in the 100th year of the Commonwealth.

James W Orr CLERK.

Stephen J Caudill et als

vs

Spa

S. E. Adams et als.

15th day July 1876.

Executi

Thos Eby S.C.C.